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State v. Padilla Appellant's Brief Dckt. 43703

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	NO. 43703
)	
v.)	ADA COUNTY NO. CR 2015-7398
)	
QUENTIN C. PADILLA,)	
)	
Defendant-Appellant.)	APPELLANT'S BRIEF
_____)	

STATEMENT OF THE CASE

Nature of the Case

The district court sentenced Quentin C. Padilla to an aggregate unified term of twenty-five years, with seven years fixed, following his conviction on several offenses stemming from a traffic stop. Mr. Padilla contends the district court abused its discretion when it imposed this sentence in light of the mitigating factors that exist in this case.

Statement of Facts and Course of Proceedings

While under the influence of methamphetamine and LSD, Mr. Padilla was involved in a high speed chase with multiple police officers following a traffic stop. (Presentence Investigation Report ("PSI"), pp.6, 7, 21.) As Mr. Padilla described it, he

was not trying to hurt anybody, but was “trying to flee.” (7/29/15 Tr., p.24, Ls.20-21.) Mr. Padilla was charged by Information with: fourteen counts of aggravated assault on law enforcement personnel; two counts of possession of a controlled substance; one count of eluding a peace officer; two counts of unlawful possession of a firearm; one count of misdemeanor resisting and/or obstructing an officer; and one count of misdemeanor possession of drug paraphernalia. (R., pp.52-58.) Mr. Padilla entered into a plea agreement with the State pursuant to which he pled guilty to two counts of aggravated assault on law enforcement personnel; one count of possession of a controlled substance; one count of eluding a police officer; and one count of unlawful possession of a firearm. (R., pp.68-69.) The district court accepted Mr. Padilla’s guilty plea. (7/29/15 Tr., p.34, Ls.6-17.)

The district court sentenced Mr. Padilla as follows: two counts of aggravated assault on certain law enforcement personnel, two unified sentences of five years, with two years fixed; one count of possession of a controlled substance, indeterminate sentence of five years; one count of eluding a police officer, unified sentence of five years, with three years fixed; one count of unlawful possession of a firearm, indeterminate sentence of five years. (R., pp.83-84.) The district court ordered all the sentences be served consecutively. (R., p.83.) The judgment was entered on October 1, 2015. (R., pp.81-86.) Mr. Padilla filed a timely notice of appeal on October 20, 2015. (R., pp.94-96.) Mr. Padilla filed a motion pursuant to Idaho Criminal Rule 35 (“Rule 35”) for reduction of sentence on December 28, 2015. The district court

denied the motion on March 1, 2015.¹ On March 28, 2016, the district court issued an order granting the State's motion for restitution and ordering Mr. Padilla to pay restitution to the State in the amount of \$16,039.76. (Order Granting Motion to Augment, pp.3-9.)

ISSUE

Did the district court abuse its discretion when it imposed upon Mr. Padilla an aggregate unified sentence of twenty-five years, with seven years fixed, in light of the mitigating factors that exist in this case?

ARGUMENT

The District Court Abused Its Discretion When It Imposed Upon Mr. Padilla An Aggregate Unified Sentence Of Twenty-Five Years, With Seven Years Fixed, In Light Of The Mitigating Factors That Exist In This Case

Mr. Padilla asserts that, given any view of the facts, his aggregate unified sentence of twenty-five years, with seven years fixed, is excessive. Where, as here, the sentence imposed by the district court is within statutory limits, "the appellant bears the burden of demonstrating that it is a clear abuse of discretion." *State v. Miller*, 151 Idaho 828, 834 (2011) (quoting *State v. Windom*, 150 Idaho 873, 875 (2011)). "When a trial court exercises its discretion in sentencing, 'the most fundamental requirement is reasonableness.'" *Id.* (quoting *State v. Hooper*, 119 Idaho 606, 608 (1991)). "A sentence is reasonable if it appears necessary to accomplish the primary objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation or retribution." *Id.* (citation omitted). "When reviewing the reasonableness

¹ Mr. Padilla does not challenge the district court's denial of his Rule 35 motion in light of *State v. Huffman*, 144 Idaho 201, 203 (2007).

of a sentence this Court will make an independent examination of the record, ‘having regard to the nature of the offense, the character of the offender and the protection of the public interest.’” *Id.* (quoting *State v. Shideler*, 103 Idaho 593, 594 (1982)).

The aggregate sentence imposed upon Mr. Padilla was not reasonable given the nature of the offenses, Mr. Padilla’s character, and the protection of the public interest. The offenses Mr. Padilla committed were certainly serious and presented a great potential for harm, but they were not as serious as they could have been. Mr. Padilla apologized to the police officers at sentencing and said, “I’m sorry. I would never mean to hurt you.” (9/29/15 Tr., p.13, Ls.2-3.) He also apologized to the community, the district court, and the drug court. (9/29/15 Tr., p.13, Ls.5-7.)

Mr. Padilla was not a member of a gang at the time of the instant offenses and the incident that resulted in the charges was not gang-related. (PSI, p.15.) As counsel for Mr. Padilla explained at sentencing, “This was about [Mr. Padilla] being high on drugs, being paranoid, paranoid about a number of things.” (9/29/15 Tr., p.9, Ls.10-12.) This is a factor the district court should have considered, and should have resulted in a lesser sentence. See *State v. Nice*, 103 Idaho 89, 91 (1982) (reducing the defendant’s sentence for lewd conduct, because, among other things, “the trial court did not give proper consideration [to] the defendant’s alcoholic problem [and] the part it played in causing defendant to commit the crime”).

In addition, the instant offenses all stemmed from a single incident. This is another factor the district court should have considered, and should have resulted in a lesser sentence. See *Cook v. State*, 145 Idaho 482, 489 (Ct. App. 2008) (concluding sentences imposed were excessive where, among other things, “the charges arose

from a single continuing plan of deception”); *State v. Amerson*, 129 Idaho 395, 408, (Ct. App. 1996) (concluding concurrent sentence of 25 years was excessive where, among other things, “all three charges arose from a single incident of criminal behavior”).

The aggregate sentence imposed upon Mr. Padilla was also not reasonable given Mr. Padilla’s character. Mr. Padilla has the support of his family, and his mother, girlfriend and sister attended his sentencing. (9/29/15 Tr., p.5, Ls.14-21.) Mr. Padilla had previously been in a gang, but he stated at the time of his drug court screening in January 2013 that he had severed his gang ties. (PSI, p.109.) Indeed, there is no record of Mr. Padilla being a gang member from 2011 to 2015. (9/29/15 Tr., p.11, Ls.10-18.) Mr. Padilla successfully completed drug court in September 2014. (PSI, p.20.) He worked as a manager at Chipotle for almost two years and maintained a stable residence. (PSI, pp.18-19, 22.) During this period of time, Mr. Padilla was happy, and his family had great hopes for his future. (PSI, pp.36-37.) Mr. Padilla’s sister wrote a letter to the district court stating, “We all really thought that old drug life was behind him most of all because he was so happy and seemed so grateful for the normalcy he had achieved.” (PSI, p.37.)

Unfortunately, as is so often the case, Mr. Padilla suffered a relapse. (9/29/15 Tr., p.7, L.14 – p.8, L.7; PSI, p.20.) The relapse was extremely serious, but it should not negate all of the progress he had made, and all of the potential he has. Mr. Padilla’s sister told the district court that Mr. Padilla “is a good person” and “can become a contributing member of society and a mentor to others that are struggling with their sobriety someday.” (PSI, p.37.) The district court abused its discretion when it imposed an aggregate sentence that delays Mr. Padilla’s potential contribution for so long.

The last factor for this Court to consider is the protection of the public interest. See *Miller*, 151 Idaho at 834. Though Mr. Padilla had a criminal history, he had never previously committed a crime of violence. (9/29/15 Tr., p.6, Ls.2-4; p.15, Ls.13-15.) As discussed above, Mr. Padilla was not a gang member at the time of the instant offenses, and would not present a danger to the public absent his drug use. Counsel for Mr. Padilla recommended a unified sentence of fourteen years, with four years fixed. (9/29/15 Tr., p.12, Ls.1-6, 15-17.) This would have been a far more appropriate sentence considering the mitigating factors and notwithstanding the aggravating factors. The district court abused its discretion when it imposed upon Mr. Padilla an aggregate unified sentence of twenty-five years, with seven years fixed.

CONCLUSION

Mr. Padilla respectfully requests that this Court reduce his sentences as it deems appropriate. Alternatively, he requests that this Court remand this case to the district court for a new sentencing hearing.

DATED this 8th day of June, 2016.

_____/s/_____
ANDREA W. REYNOLDS
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 8th day of June, 2016, I served a true and correct copy of the foregoing APPELLANT'S BRIEF, by causing to be placed a copy thereof in the U.S. Mail, addressed to:

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ISCC
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TIMOTHY HANSEN
DISTRICT COURT JUDGE
E-MAILED BRIEF

DANICA COMSTOCK
ADA COUNTY PUBLIC DEFENDER
E-MAILED BRIEF

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DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
E-MAILED BRIEF

_____/s/_____
EVAN A. SMITH
Administrative Assistant

AWR/eas